
Judiciary Committee

SSB 6600

Title: An act relating to juvenile truancy proceedings.

Brief Description: Revising provisions concerning juvenile truancy proceedings.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland and Tom).

Brief Summary of Substitute Bill

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| <ul style="list-style-type: none">• Provides that the court must appoint an attorney to represent a child if the court issues a bench warrant for the child's failure to appear at a court hearing on a truancy petition.• Allows the court to order notices under the mandatory attendance laws (except for truancy petitions) to be provided by regular mail if personal service and certified mail are unsuccessful. |
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Hearing Date: 2/27/08

Staff: Trudes Tango (786-7384).

Background:

State law regarding school attendance requires children ages 8 to 17 years to attend public schools unless they fall within certain exceptions, such as attending private school, receiving home-based instruction, or when the child is 16 years old and meets other specified criteria.

When a child who is required to attend a public school has a certain number of unexcused absences, the school district must take certain steps to eliminate or reduce the child's absences. If the efforts of the school and the parents do not reduce the child's absences, the school district must file a truancy petition with the juvenile court. The truancy petition may be filed against the child, the parent, or both. A parent may file a truancy petition if the school district does not file a petition.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The truancy petition may be served by certified mail, return receipt requested, but if this method of service fails, the petition must be personally served. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or refer the case to a community truancy board. If the court schedules a hearing, the court must separately notify the child, the parent of the child, and the school district of the hearing; notify the parent and child of their rights to present evidence at the hearing; and notify the parent and the child of the options and rights available under the Family Reconciliation Act.

Truancy petitions are civil actions. Although courts are not required to appoint an attorney for the child in a truancy petition hearing, some courts do. If a truancy petition triggers an at-risk youth or Child-In-Need-of-Services petition under the Family Reconciliation Act, or a contempt of court hearing is held in which incarceration may result, then the court must appoint an attorney for the child. If a party to a civil action fails to appear in court for a hearing, the court may issue a bench warrant.

When issuing a truancy order, the court may order the child to attend his or her current school, to attend another public school, or to attend an alternative school or another educational program. If the child fails to comply with a truancy order, the court may impose detention up to seven days or community service on a child who is age eight or older.

Summary of Bill:

When a child fails to appear for a court hearing on a truancy petition and the court issues a bench warrant, the court must appoint an attorney for the child if one has not already been appointed.

Except for truancy petitions, the court may order that other notices under the mandatory school attendance statutes be provided by means other than personal service, but only if personal service has been attempted and failed and service by certified mail has been attempted and unclaimed. The court must base its decision to use alternative forms of service on documents or information indicating that alternative forms of service is more likely than not to reach the person to be notified. Alternative forms of service means certified mail, return receipt requested or regular mail.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.